



NATIONAL
ARCHIVES

SEP 26 2019

Mr. Don M. Moore
c/o MuckRock
Department MR 31592
411A Highland Ave
Somerville, MA 02144-2516

Re: NGC17-134; NARA Appeal No. NGC17-028A

Dear Mr. Moore:

This is in response to your Freedom of Information Act (FOIA) appeal received in our office on January 23, 2017, in which you appeal the National Archives and Records Administration's (NARA) Office of General Counsel's (NGC) response to your initial FOIA request NGC17-134 (NARA-NGC-2017-000191). Your appeal was assigned tracking number NGC17-028A. I apologize for the delay in responding to your appeal.

Your initial FOIA request, dated January 4, 2017, was assigned tracking number NGC17-134. In your request you sought, "Letters from the USPS ordering people to fit for duty physical with wrong address (Gaslighting employees into psychosis)." You were informed on January 10, 2017, from NGC, that the records you seek are not in NARA's legal custody. You were also directed to contact the United States Postal Service (USPS) for the records you desire.

In your January 23, 2017 appeal, you appealed NARA's response that we have no records responsive to your request. You indicate that based on USPS regulation 100.700, "medical files from USPS employees are sent to the National Archives (The Employee Medical Folder is retained by USPS until the employee is separated from USPS. On an annual basis, records of all employees separated during the prior year are transferred to the National Personnel Records Center and retained for 30 years."

After review of your appeal, I determined that NGC's initial response was correct because, as indicated in the January 10, 2017 response, NARA does not have legal custody of the records you are requesting. Although the records you seek may be in the physical custody of NARA at its National Personnel Records Center (NPRC), the records are legally the property of the USPS and the USPS retains control over providing access to these records. Accordingly, your appeal is denied.

This completes the processing of your appeal.

For your information, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Please consider using OGIS services. This does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001
ogis@nara.gov
ogis.archives.gov
202-741-5770
1-877-684-6448

Your administrative remedies are now exhausted. If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B). You may seek judicial review in the District of Columbia, in the United States District Court for the judicial district in which you reside or do business, or the judicial district where the records are located – in this instance, in the District of Eastern Arkansas.

Sincerely,



DEBRA STEIDEL WALL
Deputy Archivist of the United States

Official: NGC

Reading: ND, NGC

Information Copy: NGC

NGC: JScanlon/JAS 09/26/2019

S:FOIA/FOIA APPEALS/FY 2017/ NGC17-028A File code 1103-6